
Program Letter

Bureau of Storage Tank Regulation

July, 1997

Temporary fueling from ASTs at upgrade sites

In the past we have experienced situations in which a vehicle fueling retailer requested that a temporary AST be allowed on site to maintain fuel dispensing operations while the existing UST system was being upgraded. The Department and the code prohibits temporary retail fueling tanks of this nature as a general practice, but in very limited situations has allowed it (as the AHJ) with approval by the LPO. The initial intent was that the retailer or installer had to communicate with Madison, and if we believed that the request had merit we turned it over to the LPO. Allowing temporary fueling at retail sites have been few in number, but, the fact that we are allowing it at all has been questioned. There also appears to be some confusion and misunderstanding regarding the process. Developing a more formal process should help clarify the criteria and resolve many of the existing issues.

In order to maintain continuity the following process has been implemented:

1. Written justification by the O/O that requires an alternative provision for AST fueling while the site is being upgraded. *Justification must be submitted to the Bureau of Storage Tank Regulation.* Fear of loss of retail sales is not justification.
2. Information provided must include: size of tank, hours of the day fueling will take place, length of time temporary AST will be utilized, type of fuel being dispensed, identify specific clientele being served, identify attendant dispensing vs. self-serv.
3. A schematic with information that reflects tank and dispenser setbacks, form of secondary containment, surface that the tank will be placed on, how dispenser and fire valve will be supported, collision protection, name of installer.
4. The submitter must also describe how the dispenser approach and dispensing area will be managed to prevent traffic congestion, impacted by the construction activity and construction related equipment.
5. Written approval or denial by Sheldon Schall, will be sent to the o/o and LPO.
6. LPO inspection of the AST system during the LPO's first visit to the site.

Additionally:

- The AST must be a UL 142 Listed tank and the dispenser must be a listed retail type. General purpose credit card or cash activated dispensers would not be allowed. The situation may warrant attendant dispensing.
- Tanks on wheels are not allowed.
- We have not required that the dispenser be 30' from the AST because the AST is temporary and use is restricted to specific customers. Thirty feet of above ground piping poses a risk and does not make sense.
- A fence may or may not be required depending upon the location and if the site is a 24 hour operation.
- We have not restricted tank size, however, at this point an owner would have to have considerable justification for a tank greater than 1,000 gallons capacity.

We do not advocate this practice, but believe that as the Authority Having Jurisdiction we have the ability and responsibility to provide an alternative means to fulfill the needs of owners or customers in certain situations, depending upon the degree of risk. The requests for temporary fueling ASTs that the Department has received involved sites where the upgrade plan review was to be conducted by Department staff. The o/o is dependent upon the contractor installing the temporary UST to provide the necessary information needed, which is generally in concert with the upgrade installation. I believe the procedure maintains oversight and addresses the predominant safety issues. Because the AST situation is a short term - temporary situation I can not logically justify formal plan review or the variance process and the associated fees. If the owner wishes to continue to provide retail fueling during an existing system upgrade, it will cost him/her considerable money to meet the requirements. *In order to maintain continuity and limit responsibility in making this determination, I will retain the approval responsibility for all sites regardless of size of tank or scope of install or upgrade, including those that fall under LPO plan approval.* Limiting the evaluation and determination to one person limits variation and misunderstanding.